

ELECTION PROCEDURES COMMITTEE

APPEAL PANEL DECISION

IN THE APPEAL OF THE DECISION OF THE RETURNING OFFICER

APPELLANT:



RESPONDENT:

Catherine Redmond, Returning Officer

DATE OF HEARING:

February 22, 2017

DECISION:

Appeal Denied. The decision of the Returning Officer to not include the Appellant as a candidate in the 2017 Board of Governors Elections is upheld.

REASONS:

The Appellant is a student who submitted a Student Nomination Form dated February 15, 2017 to the Returning Officer for candidacy in the 2017 Board of Governors Elections. The Respondent is the Returning Officer who decided not to include the Appellant as a candidate in the 2017 Board of Governors Elections on the grounds that he failed to attend the candidates' information session.

The Appellant acknowledged in the Student Nomination Form that he understood the election rules and agreed to attend a mandatory candidates' information session convened by the Returning Officer. The Appellant further acknowledged that he understood that failure to comply with the Board Election Policies and Procedures may result in his disqualification as a candidate.

The Returning Officer had provided the date, time, and place of the candidates' information session and by email dated February 15, 2017, the Returning Officer reminded all nominees including the Appellant that they were required to attend the mandatory candidates' information session on February 16, 2017 at 4:00 p.m. in Jorgenson 1410 or their candidacy would not be approved. The Appellant did not attend the mandatory candidates' information session held on February 16, 2017. The Appellant did not notify the Returning Officer in advance of his intended absence. The Appellant admitted that he understood that failure to attend the candidates' information session or failure to notify the Returning Officer of an intended absence from the candidates' information session would result in disqualification of his candidacy. He explained that there were extenuating personal circumstances that prevented his attendance and that he tried to notify the Returning Officer. The Appellant did notify the Returning Officer at 11:46 p.m. on February 16, 2017. The Returning Officer met with the Appellant on February 17, 2017 to hear his case before rendering her decision. The Returning Officer decided not to include the Appellant as a candidate in the Student Candidates Proclamation dated February 17, 2017.

The Board of Governors Election Policies and Procedures, section 6.4 provides that "student candidates are required to attend a candidates' information session at a time and place to be determined by the Returning Officer." The Board of Governors Election Constituency and Candidacy Descriptions posted on

its website states that in order to be a candidate a student must attend the “mandatory student nominees sessions”.

The Returning Officer correctly and reasonably determined that the Appellant was disqualified as a candidate pursuant to the Board of Governors Election Policies and Procedures.

The allowance of the appeal would prejudice other candidates including one candidate who was also disqualified on the same grounds and other candidates who met the attendance requirements.

For these reasons, the Appeal Panel denies the appeal and upholds the Returning Officer’s decision to not accept the Appellant’s candidacy.

DATED as of the 23 day of February, 2017.



Julia Shin Doi, Chair

APPEAL PANEL:

Julia Shin Doi, Shoaib Ahmed, Mary Anthony

OTHERS IN ATTENDANCE:

Ljiljana Stanic, Counsel for the Panel

██████████ Appellant

Catherine Redmond, Returning Officer

Leanne Stevens, Board Secretariat